



DEPARTMENT OF CORRECTIONS POLICIES AND PROCEDURES

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Chapter 3: FACILITY/PROGRAM OPERATIONS	Page 1 of 4
Section 1: Security and Control	Revision Date:
Signature: /s/ by Director 1/20/97	Effective Date: May 1, 1997

I. POLICY:

It is the policy of the Montana Department of Corrections to establish procedures to ensure that investigations are properly conducted on all suspected violations of policy and/or law in its programs and facilities. Investigative staff will be assigned to conduct investigations when there is reason to believe that violations of policy and/or criminal activity have occurred, and that those violations constitute a threat to the safety, security and orderly operation of the program.

II. AUTHORITY:

53-1-203, MCA. Powers and Duties of the Department.

III. DEFINITIONS:

Investigative Unit (IU) means the branch of the Professional Services Division (PSD) responsible for investigating internal affairs in the Department and assisting local law enforcement in applicable criminal investigations.

Staff, for the purposes of this policy, means paid employees, contracted employees, volunteers and interns.

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IV. PROCEDURES:

A. Routine Facility/Program Investigations

1. The Warden/Superintendent/Program Administrator may assign staff to conduct investigations of violations of policy and/or law which constitute a threat to the safety, security and orderly operation of the program.
2. All investigations will be conducted by staff who have sufficient experience and training to effectively perform these duties.
3. Facility/program investigative staff will be responsible to the Warden/Superintendent/Program Administrator.
4. Investigative staff may be responsible for assisting with, and/or coordinating, investigations that involve outside law enforcement agencies.
5. Investigators will typically focus on gathering, analyzing and reporting on information for investigations relating to staff and offenders who are alleged to have violated policy or been involved in criminal activity.
6. Program/facility investigative staff may assist local law enforcement agencies and the Investigations Unit with investigations concerning the introduction of contraband and other illegal activities relating to the facility/program.
7. Facility/program policy will be developed which establishes the manner in which investigative staff are assigned and trained, and the duties and responsibilities that they will perform in conducting investigations.

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B. The Professional Services Division (PSD) Investigation Unit Responsibilities

1. The Warden/Superintendent/Program Administrator will be responsible for making requests to the Administrator of the PSD for the assistance of the Investigation Unit (IU).
2. Upon receipt of a request from a Warden/Superintendent/Program Administrator, the PSD Administrator will evaluate the request and make a determination whether the case warrants assignment to the Investigation Unit. The Administrator will notify the requesting Warden/Superintendent/Program Administrator of the decision in a timely manner.
3. The IU may be utilized in ongoing investigations for which additional help and expertise is needed, or may participate in new investigations which have not previously been handled at the facility/program level.
4. The following are typical examples of cases in which the IU would be called in to assist:
 - a. Complaints filed by offenders which have not been resolved through the Offender Grievance Procedure and which are of such a magnitude that more in-depth investigation and action are required.
 - b. Internal investigations of staff as defined in this policy.
 - c. Law enforcement in the case of criminal activity, when requested.
5. The IU will provide a written report of its findings to the PSD Administrator and the Warden/Superintendent/Program Administrator.

C. Investigations of Criminal Activity/Law Enforcement Involvement

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1. In every case in which there is believed to be criminal activity, local law enforcement will be notified. Each facility/program will establish policy for accomplishing the notification process and for identifying the law enforcement agency to be notified.
2. All staff will fully cooperate with and assist law enforcement in the investigation of criminal activity. Staff will provide law enforcement with all documentation and physical evidence which has been gathered, and/or protected, relative to every case in which they are involved.
3. Staff may be requested to testify in court or at hearings to provide information about criminal activity that is alleged to have taken place.
4. Any action by the county attorney does not preclude administrative action by the Department.

D. Investigation Issues:

In every investigation, there are standard operating procedures and basic tenets that must be adhered to in order to ensure that the case is properly handled. The following represents some of the most important issues relative to conducting investigations:

1. All staff who have knowledge of an incident must document, in writing, their knowledge of the incident in accordance with facility/program policy.
2. Physical evidence at the scene of the incident or crime must be preserved and/or secured in a manner consistent with accepted law enforcement practices.
3. Physical evidence must be stored in a manner which maintains the integrity of the evidence and establishes a chain of custody in accordance with accepted law enforcement practices.

V. CLOSING:

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Questions concerning this policy shall be directed to the Administrators of the Professional Services Division or the Administrative Services Division, depending on the nature of the assignment.